



2.02 Defendant GUARDIAN TRANSITION INC. D/B/D GUARDIAN FALL PROTECTION, D/B/A GF PROTECTION INC. is a Washington corporation with its principal place of business in Kent, Washington who may be served by serving its registered agent, National Registered Agents, Inc., 155 Federal St. Ste 700, Boston, MA 02110-1727.

2.03 K-STRONG is a Texas corporation with its principal place of business in Houston, Texas who may be served by serving its registered agent, Andy Lui at 17330 Preston Road #200 D, Dallas, Texas 75252.

2.04 KARAM INDUSTRIES, Sitanrganj, Uttarakhand (India) is a foreign corporation with its principle place of business in Sitanrganj, Uttarakhand, India. Said Defendant may be served at D-95, Secotr-2 NOIDA-201301 (U.P.) Delhi/NCR India. Said Defendant may be served in accordance with the Hague Convention. First, Plaintiff will ensure that Complaint and Summons are translated and then served through the Central Authority in India. Because it is anticipated that service may take greater than 1 year, Plaintiff hereby requests an extension of time to perfect service.

2.05 P.N. INTERNATIONAL is a foreign corporation with its principle place of business in D-95, Secotr-2 NOIDA-201301 (U.P.) Delhi/NCR India. Said Defendant may be served at D-95, Secotr-2 NOIDA-201301 (U.P.) Delhi/NCR India. Said Defendant may be served in accordance with the Hague Convention. First, Plaintiff will ensure that the Complaint and Summons are translated and then served through the Central Authority in India. Because it is anticipated that service may take greater than 1 year, Plaintiff hereby requests an extension of time to perfect service.

### **3.00 JURISDICTION AND VENUE**

3.01 The amount in controversy is within the jurisdictional limits of this Court.

3.02 Harris County is the proper venue for this action pursuant to the Texas Civil Practice and Remedies Code, Section 15.001, *et seq.*, because Harris County is the county where the Defendant has its principal place of business and/or all or part of the cause of action occurred in Harris County.

3.03 Pursuant to Rule 47(c) Plaintiff is seeks monetary relief over \$1,000,000.

#### **4.00 FACTS**

4.01 On or about March 12, 2017, Plaintiff was working on a construction site for in Hochatown, Oklahoma. Plaintiff was provided a Guardian Fall Protection safety harness system. Plaintiff put on the harness and tied off to the roof. While working on the roof Plaintiff slipped, and fell to the ground causing catastrophic bodily injury because the Guardian Fall Protection harness system and/or the components of the harness system failed. As a result of the safety harness failure, Plaintiff has undergone numerous surgeries and the damages set forth herein.

4.02 The negligence and gross negligence of Defendants was a producing cause of the serious injuries to Plaintiff, ABNER PASTOR.

#### **5.00 CAUSES OF ACTION AGAINST DEFENDANT- GUARDIAN FALL PROTECTION, K-STRONG, KARAM INDUSTRIES, AND P.N. INTERNATIONAL**

5.01 Defendant by and through its employees, agents and/or vice-principals is liable for general negligence, negligence *per se*, and gross negligence toward Plaintiff in the following respects:

- 1) Failing to remove the fall protection harness from the stream of commerce after notice of deficiencies;
- 2) Failing to properly design the fall protection harnesses;
- 3) Manufacturing the fall protection harness in a negligent manner;

- 4) Failing to provide proper warnings and instructions with the fall protection harness; and
- 5) Failing to train users of the fall protection harness.

5.02 As a direct and proximate result of these and other acts and omissions Plaintiff suffered serious and permanent injuries due to the negligent activities of Defendant.

**6.00 STRICT LIABILITY: DESIGN, MANUFACTURING AND MARKETING DEFECT**

6.01 GUARDIAN FALL PROTECTION, K-STRONG, KARAM INDUSTRIES, AND P.N. INTERNATIONAL are liable under the strict products liability for a design defect for failing to adequately design the fall protection harness system with regard to the foreseeable uses/misuses of the equipment as well as using appropriate component materials and/or a manufacturing defect in either the components or the quality of the materials used in the component parts and/or a marketing defect for failing to adequately warn users. These defects, singularly and/or cumulatively were producing cause(s) of the incident in question and the injuries of Plaintiff.

**7.00. GROSS NEGLIGENCE**

7.01 Defendants' conduct, when viewed objectively from the standpoint of the Defendants at the time of the occurrence, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. Moreover, Defendants had actual, subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety or welfare of the Plaintiff.

7.02 As a result of the grossly negligent conduct of the Defendants, Plaintiff suffered severe physical injuries and emotional distress.

**8.00 DAMAGES**

8.01 Plaintiff would show that as a direct and proximate result of the acts and/or omissions committed by Defendants, Plaintiff was caused to suffer serious and **permanent personal injuries**, which has caused Mr. Pastor in the past and will, in reasonable probability, cause Mr. Pastor in the future, physical pain, mental anguish, lost wages, loss of earning capacity, physical impairment, disfigurement, medical expenses, lifecare expenses and hospital expenses, for which Mr. Pastor should be compensated in accordance with the laws of the State of Texas. Therefore, Plaintiff seeks damages from Defendants, and, by reason of the injuries and damages set forth above, Plaintiff has been damaged far in excess of the minimum jurisdictional limits of this Court.

**9.00 JURY TRIAL**

9.01 Plaintiff respectfully requests a jury a trial in the above-entitled and numbered cause of action and will tender the required jury fee.

**10.00 PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that Defendants be cited to appear and answer herein and that upon full and final hearing of this cause, Plaintiff has judgment of and from the Defendants as follows:

- 1) For all actual and punitive damages, both past and future, as prayed for herein, including punitive and/or exemplary damages.
- 2) For all of Plaintiffs' costs of court;
- 3) For pre-judgment interest at the highest legal rate and for the longest period of time allowed by law on all elements of damage claimed herein;
- 4) For post-judgment interest at the highest legal rate allowed by law on the amount of the

judgment entered by the Court from the date of judgment until collected;

- 5) For such other and further relief, both general and specific, at law or in equity, to which this Honorable Court should find Plaintiffs to be justly entitled.

Respectfully Submitted;

MILLER WEISBROD, LLP  
11551 Forest Central Drive  
Forest Central II, Suite 300  
P. O. Box 821329 (75382)  
Dallas, Texas 75243  
(214) 987-0005  
(214) 987-2545 (Facsimile)

By: 

CLAY MILLER

State Bar No. 00791266

[Cmiller@millerweisbrod.com](mailto:Cmiller@millerweisbrod.com)

JOSH BIRMINGHAM

State Bar No. 24059329

[Jbirmingham@millerweisbrod.com](mailto:Jbirmingham@millerweisbrod.com)

and

JOHN R. SALAZAR, P.C.

JOHN R. SALAZAR

SBN: 17527150

[johnr@johnrsalazar.com](mailto:johnr@johnrsalazar.com)

2201 Main St., Ste. 900

Dallas, TX 75201

Tel. 214-696-5292

Fax. 214-698-5656

**ATTORNEYS FOR PLAINTIFF**

REQUEST FOR DISCLOSURE

Pursuant to TEX. R. CIV. P. 194, Plaintiff requests disclosure from each and every Defendant of those items contained in 194.2 (a)-(l). Upon service of citation, along with this Original Petition, Defendants are required to respond to these Requests for Disclosure within FIFTY (50) days hereafter.



Board Certified - Personal Injury Trial Law  
Texas Board of Legal Specialization  
cmiller@MillerWeisbrod.com

Janaury 30, 2019

VIA E-File  
Civil Intake  
Harris County District Court  
201 CAROLINE  
HOUSTON, TX 77002

Re: *Abner Pastor vs. Guardian Transition Inc.*  
Cause No. **201906499**

Dear Sir/Madam:

Please prepare four additional citations for the following:

- (1) **KARAM INDUSTRIES**  
President: Hermant Sapra  
D-95, Vyapar Marg, Sector 2,  
Noida, Uttar Pradesh 201301  
India  
**OR WHEREVER HE MAY BE FOUND**
  
- (2) **KARAM INDUSTRIES**  
President: Rajesh Nigam  
D-95, Vyapar Marg, Sector 2,  
Noida, Uttar Pradesh 201301  
India  
**OR WHEREVER HE MAY BE FOUND**
  
- (3) **P. N. INTERNATIONAL**  
President: Hermant Sapra  
D-95, Vyapar Marg, Sector 2,  
Noida, Uttar Pradesh 201301  
India  
**OR WHEREVER HE MAY BE FOUND**



(4) **P. N. INTERNATIONAL**  
President: Rajesh Nigam  
D-95, Vyapar Marg, Sector 2,  
Noida, Uttar Pradesh 201301  
India

**OR WHEREVER HE MAY BE FOUND**

Payment for copies and fee will be submitted.

We appreciate your assistance in this matter. If you have any questions, please give me a call.

Sincerely,

*/s/ Maggie Sanchez*

Maggie Sanchez  
Legal Secretary to Clay Miller

#1132021



**Miller Weisbrod** LLP  
ATTORNEYS AT LAW

Board Certified - Personal Injury Trial Law  
Texas Board of Legal Specialization  
cmiller@MillerWeisbrod.com

February 11, 2019

VIA E-File

Civil Intake

Harris County District Court

201 CAROLINE

HOUSTON, TX 77002

Re: ***Abner Pastor vs. Guardian Transition Inc.***  
Cause No. **201906499**

Dear Sir/Madam:

Please prepare two citations for the following:

- (1) **GUARDIAN TRANSITION INC. D/B/D GUARDIAN FALL  
PROTECTION, D/B/A GF PROTECTION INC.**  
Registered Agent: National Registered Agents, Inc.,  
155 Federal St. Ste 700,  
Boston, MA 02110-1727
- (2) **K-STRONG  
P. N. INTERNATIONAL**  
Registered Agent: Andy Lui  
17330 Preston Road #200 D  
Dallas, Texas 75252  
**OR WHEREVER HE MAY BE FOUND**

Payment for the fee will be submitted. Please email them both to  
msanchez@millerweisbrod.com when they are ready.

We appreciate your assistance in this matter. If you have any questions, please give me a  
call.

Sincerely,

/s/ Maggie Sanchez

Maggie Sanchez  
Legal Secretary to Clay Miller

#1134217

**MARILYN BURGESS**

HARRIS COUNTY DISTRICT CLERK

**Civil Process Pick-Up Form**
 ATY X CAUSE NUMBER: 201906499  
 CIV \_\_\_\_\_ COURT 151st
**REQUESTING ATTORNEY/FIRM NOTIFICATION**\*ATTORNEY: Salazar, John \*PH: 281-488-6139

\*CIVIL PROCESS SERVER: \_\_\_\_\_

\*PH: \_\_\_\_\_ BOX#: \_\_\_\_\_

\*PERSON NOTIFIED SVC READY: \_\_\_\_\_

\*NOTIFIED BY: \_\_\_\_\_

\*DATE: \_\_\_\_\_

Type of Service Document: CitTracking Number 73591617Type of Service Document: CitTracking Number 73591616Type of Service Document: CitTracking Number 73591613Type of Service Document: CitTracking Number 735 91588

Type of Service Document: \_\_\_\_\_

Tracking Number \_\_\_\_\_

Type of Service Document: \_\_\_\_\_

Tracking Number \_\_\_\_\_

Type of Service Document: \_\_\_\_\_

Tracking Number \_\_\_\_\_

Process papers prepared by: **M. Ramey**Date: 2/14/201930 days waiting 3 14 /2019\*Process papers released to: Miguel Cano  
(PRINT NAME)832 531 5285  
\*(CONTACT NUMBER) Miguel Cano  
(SIGNATURE)\*Process papers released by: \_\_\_\_\_  
(PRINT NAME)\_\_\_\_\_  
(SIGNATURE)\* Date: 02-14-2019, 2019 Time: 4:30 AM PM



Board Certified - Personal Injury Trial Law  
Texas Board of Legal Specialization  
cmiller@MillerWeisbrod.com

February 20, 2019

VIA E-File  
Civil Intake  
Harris County District Court  
201 CAROLINE  
HOUSTON, TX 77002

Re: *Abner Pastor vs. Guardian Transition Inc.*  
Cause No. **201906499**

**AMENDED REQUEST**

Dear Sir/Madam:

Please prepare one citation for the following:

- (1) **KARAM INDUSTRIES**  
D-95, Vyapar Marg, Sector 2,  
Noida, Uttar Pradesh 201301  
India  
**OR WHEREVER IT MAY BE FOUND**
  
- (2) **P. N. INTERNATIONAL**  
D-95, Vyapar Marg, Sector 2,  
Noida, Uttar Pradesh 201301  
India  
**OR WHEREVER IT MAY BE FOUND**

Payment for copies and fee will be submitted. Also, please DO NOT put "Hague Convention" on the citations.

We appreciate your assistance in this matter. If you have any questions, please give me a call.

Sincerely,

*/s/ Maggie Sanchez*

Maggie Sanchez  
Legal Secretary to Clay Miller

CAUSE NO. 201906499

COPY OF PLEADING PROVIDED BY PLT

RECEIPT No. 773552 TR# 73592744

Plaintiff:

PASTOR, ABNER

vs.

Defendant:

GUARDIAN TRANSITION INC (D/B/A GF PROTECTION INC) (D/B/A

GUARDIAN

In The 151st

Judicial District Court of

Harris County, Texas

201 CAROLINE

Houston, Texas

## CITATION (NON-RESIDENT CORPORATE)

THE STATE OF TEXAS

County of Harris

To: GUARDIAN TRANSITION INC (D/B/D GUARDIAN FALL PROTECTION D/B/A GF PROTECTION INC) (WASHINGTON CORPORATION) MAY BE SERVED BY SERVING ITS REGISTERED AGENT NATIONAL REGISTERED AGENTS INC  
155 FEDERAL ST STE 700, BOSTON MA 02110-1727

Attached is a copy of: PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

This instrument was filed on January 28, 2019 in the above cited cause number and court.  
The instrument attached describes the claim against you.

**YOU HAVE BEEN SUED.** You may employ an attorney. If you or your Attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration date of 20 days after you were served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This citation was issued on February 14, 2019, under my hand and seal of said court.

Issued at the request of:

BIRMINGHAM, JOSHUA R.  
2201 MAIN ST. STE. 900  
DALLAS, TX. 75201

Bar Number: 24059329

*Marilyn Burgess*

Marilyn Burgess, District Clerk

Harris County, Texas

201 CAROLINE, Houston, TX 77002

(PO Box 4651, Houston, TX 77210)

Generated By: RHONDA MOMON

A TRUE COPY ATTEST  
DAVID D. AYLES, PROCESS SERVER  
AND DISINTERESTED PERSON





Tracking Number: 73592744

CAUSE NUMBER: 201906499

PLAINTIFF: PASTOR, ABNER

In the 151st

vs.

Judicial District Court of

DEFENDANT: GUARDIAN TRANSITION INC (D/B/A GF PROTECTION INC) (D/B/A GUARDIAN Harris County, Texas

## OFFICER - AUTHORIZED PERSON RETURN

Came to hand at 9:00 o'clock A. M. on the 20 day of FEBRUARY, 2019. Executed at(Address) c/o NATIONAL REGISTERED AGENTS, 155 FEDERAL ST., BOSTON, MA  
inSUFFOLK County at 10:00 o'clock A. M. On the 20 day of FEBRUARY, 2019, byDelivering to FRED MONIA, CLERK, NATIONAL REGISTERED AGENTS defendant, in person, a true copy of this Citation together with the accompanying 1 copy(ies) of the Petition. Petition attached thereto and I endorsed on said copy of the Citation the date of delivery.To certify which I affix my hand officially this 20 day of FEBRUARY, 2019

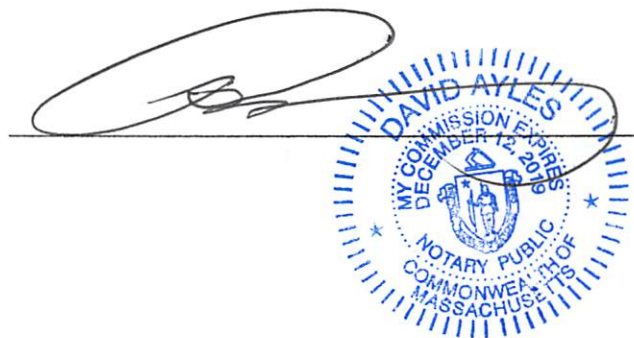
Fees \$ \_\_\_\_\_

By

Affiant

JOHN RYANOWSKI - PROCEEDING

Deputy

On this day, 2/21/19, known to me to be the person whose signature appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was executed by him/her in the exact manner recited on the return.SWORN TO AND SUBSCRIBED BEFORE ME, On this 21 day of FEBRUARY, 2019

Notary Public

CAUSE NO. 201906499

COPY OF PLEADING PROVIDED BY PLT

RECEIPT No. 773552 TR# 73592744

Plaintiff:

PASTOR, ABNER

vs.

Defendant:

GUARDIAN TRANSITION INC (D/B/A GF PROTECTION INC) (D/B/A  
GUARDIANIn The 151st  
Judicial District Court of  
Harris County, Texas  
201 CAROLINE  
Houston, Texas

## CITATION (NON-RESIDENT CORPORATE)

THE STATE OF TEXAS  
County of Harris

To: GUARDIAN TRANSITION INC (D/B/D GUARDIAN FALL PROTECTION D/B/A GF PROTECTION  
INC) (WASHINGTON CORPORATION) MAY BE SERVED BY SERVING ITS REGISTERED AGENT NATIONAL  
REGISTERED AGENTS INC  
155 FEDERAL ST STE 700, BOSTON MA 02110-1727

Attached is a copy of: PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

This instrument was filed on January 28, 2019 in the above cited cause number and court.  
The instrument attached describes the claim against you.

**YOU HAVE BEEN SUED.** You may employ an attorney. If you or your Attorney do not file  
a written answer with the District Clerk who issued this citation by 10:00 a.m. on the  
Monday next following the expiration date of 20 days after you were served this citation and  
petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This citation was issued on February 14, 2019, under my hand and seal of said court.

Issued at the request of:BIRMINGHAM, JOSHUA R.  
2201 MAIN ST. STE. 900  
DALLAS, TX. 75201

Bar Number: 24059329



*Marilyn Burgess*  
Marilyn Burgess, District Clerk  
Harris County, Texas  
201 CAROLINE, Houston, TX 77002  
(PO Box 4651, Houston, TX  
77210)

Generated By: RHONDA MOMON

A TRUE COPY ATTEST  
DAVID D. AYLES, PROCESS SERVER  
AND DISINTERESTED PERSON



ATSCOTT : 1000001 00000000

NO : 1000001 00000000

ATSCOTT : 1000001 00000000

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1000001 00000000

Tracking Number: 73592744

CAUSE NUMBER: 201906499

PLAINTIFF: PASTOR, ABNER

vs.

In the 151st

Judicial District Court of

DEFENDANT: GUARDIAN TRANSITION INC (D/B/A GF PROTECTION INC) (D/B/A GUARDIAN Harris County, Texas

OFFICER - AUTHORIZED PERSON RETURN

Came to hand at 9:00 o'clock A. M. on the 20 day of FEBRUARY, 2019. Executed at

(Address) c/o NATIONAL REGISTERED AGENTS, 155 FEDERAL ST., BOSTON, MA  
CT CORP in

SUFFOLK County at 10:00 o'clock A. M. On the 20 day of FEBRUARY, 2019, by

Delivering to FRED MONIA, CLERK, NATIONAL REGISTERED AGENTS defendant, in person, a true copy of this Citation together with the accompanying 1 copy(ies) of the Petition. Petition attached thereto and I endorsed on said copy of the Citation the date of delivery.

To certify which I affix my hand officially this 20 day of FEBRUARY, 2019

Fees \$ \_\_\_\_\_

By \_\_\_\_\_

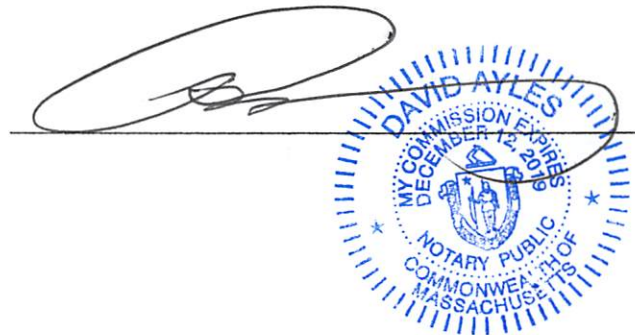
Affiant

JOHN RYANOWSKI - PROCEEDING

Deputy

On this day, 2/21/19, known to me to be the person whose signature appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, On this 21 day of FEBRUARY, 2019



Notary Public



Board Certified - Personal Injury Trial Law  
Texas Board of Legal Specialization  
cmiller@MillerWeisbrod.com

March 13, 2019

VIA E-File  
Civil Intake  
Harris County District Court  
201 CAROLINE  
HOUSTON, TX 77002

Re: ***Abner Pastor vs. Guardian Transition Inc.***  
Cause No. **201906499**

Dear Sir/Madam:

Please email the following two citations to msanchez@millerweisbrod.com.

- (1) **GUARDIAN TRANSITION INC. D/B/D GUARDIAN FALL PROTECTION, D/B/A GF PROTECTION INC.**  
Registered Agent: National Registered Agents, Inc.,  
155 Federal St. Ste 700,  
Boston, MA 02110-1727
- (2) **K-STRONG  
P. N. INTERNATIONAL**  
Registered Agent: Andy Lui  
17330 Preston Road #200 D  
Dallas, Texas 75252  
**OR WHEREVER HE MAY BE FOUND**

We appreciate your assistance in this matter. If you have any questions, please give me a call.

Sincerely,

/s/ Maggie Sanchez

Maggie Sanchez  
Legal Secretary to Clay Miller

#1139520

p-10

2019-06499



HARRIS COUNTY DISTRICT CLERK  
P.O. Box 4651  
HOUSTON, TEXAS 77210-4651

752 752 752435 07-307  
FIRST-CLASS MAIL  
POSTAGE PAID  
4083190304-143732183  
RETURN SERVICE REQUESTED  
75243

15/ST

17

731 CC 4836 0103/20/19  
RETURN TO SENDER  
INSUFFICIENT ADDRESS  
UNABLE TO FORWARD  
C: 77210463151 2326N079154-00015

FILED  
MARILYN BURGESS  
DISTRICT CLERK  
HARRIS COUNTY, TEXAS  
2019 MAR 26 AM 8:09  
03-26-19  
BY MAIL PROCESSING ADMIN

JOSH BIRMINGHAM  
11551 FOREST CENTRAL II  
DALLAS, TEXAS 75243

CAUSE NO. 201906499

RECEIPT NO.

0.00

MTA

\*\*\*\*\*

TR # 73596734

PLAINTIFF: PASTOR, ABNER

vs.

DEFENDANT: GUARDIAN TRANSITION INC (D/B/A GF PROTECTION INC)  
(D/B/A GUARDIANIn The 151st  
Judicial District Court  
of Harris County, Texas  
151ST DISTRICT COURT  
Houston, TX

CITATION (NON-RESIDENT)

THE STATE OF TEXAS  
County of HarrisTO: P N INTERNATIONAL  
D-95 VYAPAR MARG SECTOR 2  
NOIDA UTTAR PRADESH 201301  
OR WHEREVER IT MAY BE FOUNDAttached is a copy of PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURESThis instrument was filed on the 28th day of January, 2019, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This citation was issued on 1st day of March, 2019, under my hand and seal of said Court.

*Marilyn Burgess*Issued at request of:  
BIRMINGHAM, JOSH  
11551 FOREST CENTRAL II  
DALLAS, TX 75243  
Tel: (214) 987-0005  
Bar No.: 24059329MARILYN BURGESS, District Clerk  
Harris County, Texas  
201 Caroline, Houston, Texas 77002  
(P.O. Box 4651, Houston, Texas 77210)

Generated By: MOMON, RHONDA HWP//11170273

STATE OF \_\_\_\_\_

OFFICER/AUTHORIZED PERSON RETURN

County of \_\_\_\_\_

PERSONALLY APPEARED before me, the undersigned authority, \_\_\_\_\_  
who being by me duly sworn, deposes and says that in the County of \_\_\_\_\_  
State of \_\_\_\_\_ he delivered to the within named defendants in person at the  
following times and places to wit:

NAME	DATE			TIME		PLACE
	MONTH	DAY	YEAR	HR	MIN	

a true copy of this notice, with a copy of:

accompanying same; and further, that he is an adult and is in no manner interested in this suit and is the person competent to make oath of the fact.

\_\_\_\_\_  
Affiant/Deputy

On this day, \_\_\_\_\_, known to me to be the person whose signature appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

CAUSE NO. 201906499

RECEIPT NO.

0.00

MTA

\*\*\*\*\*

TR # 73596734

PLAINTIFF: PASTOR, ABNER

vs.

DEFENDANT: GUARDIAN TRANSITION INC (D/B/A GF PROTECTION INC)  
(D/B/A GUARDIAN)In The 151st  
Judicial District Court  
of Harris County, Texas  
151ST DISTRICT COURT  
Houston, TX

CITATION (NON-RESIDENT)

THE STATE OF TEXAS  
County of HarrisTO: P N INTERNATIONAL  
D-95 VYAPAR MARG SECTOR 2  
NOIDA UTTAR PRADESH 201301  
OR WHEREVER IT MAY BE FOUNDAttached is a copy of PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURESThis instrument was filed on the 28th day of January, 2019, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This citation was issued on 1st day of March, 2019, under my hand and seal of said Court.

*Marilyn Burgess*Issued at request of:  
BIRMINGHAM, JOSH  
11551 FOREST CENTRAL II  
DALLAS, TX 75243  
Tel: (214) 987-0005  
Bar No.: 24059329MARILYN BURGESS, District Clerk  
Harris County, Texas  
201 Caroline, Houston, Texas 77002  
(P.O. Box 4651, Houston, Texas 77210)

Generated By: MOMON, RHONDA HWP//11170273

STATE OF \_\_\_\_\_

OFFICER/AUTHORIZED PERSON RETURN

County of \_\_\_\_\_

PERSONALLY APPEARED before me, the undersigned authority, \_\_\_\_\_  
who being by me duly sworn, deposes and says that in the County of \_\_\_\_\_  
State of \_\_\_\_\_ he delivered to the within named defendants in person at the  
following times and places to wit:

NAME	DATE			TIME		PLACE
	MONTH	DAY	YEAR	HOUR	MIN	

a true copy of this notice, with a copy of:

accompanying same; and further, that he is an adult and is in no manner interested in this suit and is the person competent to make oath of the fact.

\_\_\_\_\_  
Affiant/Deputy

On this day, \_\_\_\_\_, known to me to be the person whose signature appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public





2.02 Defendant GUARDIAN TRANSITION INC. D/B/D GUARDIAN FALL PROTECTION, D/B/A GF PROTECTION INC. is a Washington corporation with its principal place of business in Kent, Washington who may be served by serving its registered agent, National Registered Agents, Inc., 155 Federal St. Ste 700, Boston, MA 02110-1727.

2.03 K-STRONG is a Texas corporation with its principal place of business in Houston, Texas who may be served by serving its registered agent, Andy Lui at 17330 Preston Road #200 D, Dallas, Texas 75252.

2.04 KARAM INDUSTRIES, Sitarganj, Uttarakhand (India) is a foreign corporation with its principle place of business in Sitarganj, Uttarakhand, India. Said Defendant may be served at D-95, Secotr-2 NOIDA-201301 (U.P.) Delhi/NCR India. Said Defendant may be served in accordance with the Hague Convention. First, Plaintiff will ensure that Complaint and Summons are translated and then served through the Central Authority in India. Because it is anticipated that service may take greater than 1 year, Plaintiff hereby requests an extension of time to perfect service.

2.05 P.N. INTERNATIONAL is a foreign corporation with its principle place of business in D-95, Secotr-2 NOIDA-201301 (U.P.) Delhi/NCR India. Said Defendant may be served at D-95, Secotr-2 NOIDA-201301 (U.P.) Delhi/NCR India. Said Defendant may be served in accordance with the Hague Convention. First, Plaintiff will ensure that the Complaint and Summons are translated and then served through the Central Authority in India. Because it is anticipated that service may take greater than 1 year, Plaintiff hereby requests an extension of time to perfect service.

### **3.00 JURISDICTION AND VENUE**

3.01 The amount in controversy is within the jurisdictional limits of this Court.



3.02 Harris County is the proper venue for this action pursuant to the Texas Civil Practice and Remedies Code, Section 15.001, *et seq.*, because Harris County is the county where the Defendant has its principal place of business and/or all or part of the cause of action occurred in Harris County.

3.03 Pursuant to Rule 47(c) Plaintiff is seeks monetary relief over \$1,000,000.

**4.00 FACTS**

4.01 On or about March 12, 2017, Plaintiff was working on a construction site for in Hochatown, Oklahoma. Plaintiff was provided a Guardian Fall Protection safety harness system. Plaintiff put on the harness and tied off to the roof. While working on the roof Plaintiff slipped, and fell to the ground causing catastrophic bodily injury because the Guardian Fall Protection harness system and/or the components of the harness system failed. As a result of the safety harness failure, Plaintiff has undergone numerous surgeries and the damages set forth herein.

4.02 The negligence and gross negligence of Defendants was a producing cause of the serious injuries to Plaintiff, ABNER PASTOR.

**5.00 CAUSES OF ACTION AGAINST DEFENDANT- GUARDIAN FALL PROTECTION, K-STRONG, KARAM INDUSTRIES, AND P.N. INTERNATIONAL**

5.01 Defendant by and through its employees, agents and/or vice-principals is liable for general negligence, negligence *per se*, and gross negligence toward Plaintiff in the following respects:

- 1) Failing to remove the fall protection harness from the stream of commerce after notice of deficiencies;
- 2) Failing to properly design the fall protection harnesses;
- 3) Manufacturing the fall protection harness in a negligent manner;

4) Failing to provide proper warnings and instructions with the fall protection harness; and

5) Failing to train users of the fall protection harness.

5.02 As a direct and proximate result of these and other acts and omissions Plaintiff suffered serious and permanent injuries due to the negligent activities of Defendant.

**6.00 STRICT LIABILITY: DESIGN, MANUFACTURING AND MARKETING DEFECT**

6.01 GUARDIAN FALL PROTECTION, K-STRONG, KARAM INDUSTRIES, AND P.N. INTERNATIONAL are liable under the strict products liability for a design defect for failing to adequately design the fall protection harness system with regard to the foreseeable uses/misuses of the equipment as well as using appropriate component materials and/or a manufacturing defect in either the components or the quality of the materials used in the component parts and/or a marketing defect for failing to adequately warn users. These defects, singularly and/or cumulatively were producing cause(s) of the incident in question and the injuries of Plaintiff.

**7.00. GROSS NEGLIGENCE**

7.01 Defendants' conduct, when viewed objectively from the standpoint of the Defendants at the time of the occurrence, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. Moreover, Defendants had actual, subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety or welfare of the Plaintiff.

7.02 As a result of the grossly negligent conduct of the Defendants, Plaintiff suffered severe physical injuries and emotional distress.

**8.00 DAMAGES**

8.01 Plaintiff would show that as a direct and proximate result of the acts and/or omissions committed by Defendants, Plaintiff was caused to suffer serious and **permanent personal injuries**, which has caused Mr. Pastor in the past and will, in reasonable probability, cause Mr. Pastor in the future, physical pain, mental anguish, lost wages, loss of earning capacity, physical impairment, disfigurement, medical expenses, lifecare expenses and hospital expenses, for which Mr. Pastor should be compensated in accordance with the laws of the State of Texas. Therefore, Plaintiff seeks damages from Defendants, and, by reason of the injuries and damages set forth above, Plaintiff has been damaged far in excess of the minimum jurisdictional limits of this Court.

**9.00 JURY TRIAL**

9.01 Plaintiff respectfully requests a jury a trial in the above-entitled and numbered cause of action and will tender the required jury fee.

**10.00 PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that Defendants be cited to appear and answer herein and that upon full and final hearing of this cause, Plaintiff has judgment of and from the Defendants as follows:

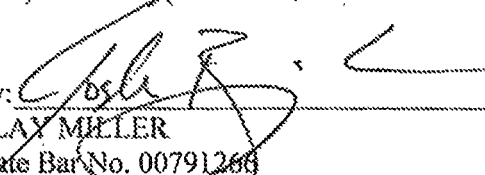
- 1) For all actual and punitive damages, both past and future, as prayed for herein,  
including punitive and/or exemplary damages.
- 2) For all of Plaintiffs' costs of court;
- 3) For pre-judgment interest at the highest legal rate and for the longest period of time  
allowed by law on all elements of damage claimed herein;
- 4) For post-judgment interest at the highest legal rate allowed by law on the amount of the

judgment entered by the Court from the date of judgment until collected;

- 5) For such other and further relief, both general and specific, at law or in equity, to which this Honorable Court should find Plaintiffs to be justly entitled.

Respectfully Submitted;

MILLER WEISBROD, LLP  
11551 Forest Central Drive  
Forest Central II, Suite 300  
P. O. Box 821329 (75382)  
Dallas, Texas 75243  
(214) 987-0005  
(214) 987-2545 (Facsimile)

By:   
CLAY MILLER  
State Bar No. 00791266  
[cmiller@millerweisbrod.com](mailto:cmiller@millerweisbrod.com)  
JOSH BIRMINGHAM  
State Bar No. 24059329  
[jbirmingham@millerweisbrod.com](mailto:jbirmingham@millerweisbrod.com)

and

JOHN R. SALAZAR, P.C.  
JOHN R. SALAZAR  
SBN: 17527150  
[johnr@johnrsalazar.com](mailto:johnr@johnrsalazar.com)  
2201 Main St., Ste. 900  
Dallas, TX 75201  
Tel. 214-696-5292  
Fax. 214-698-5656

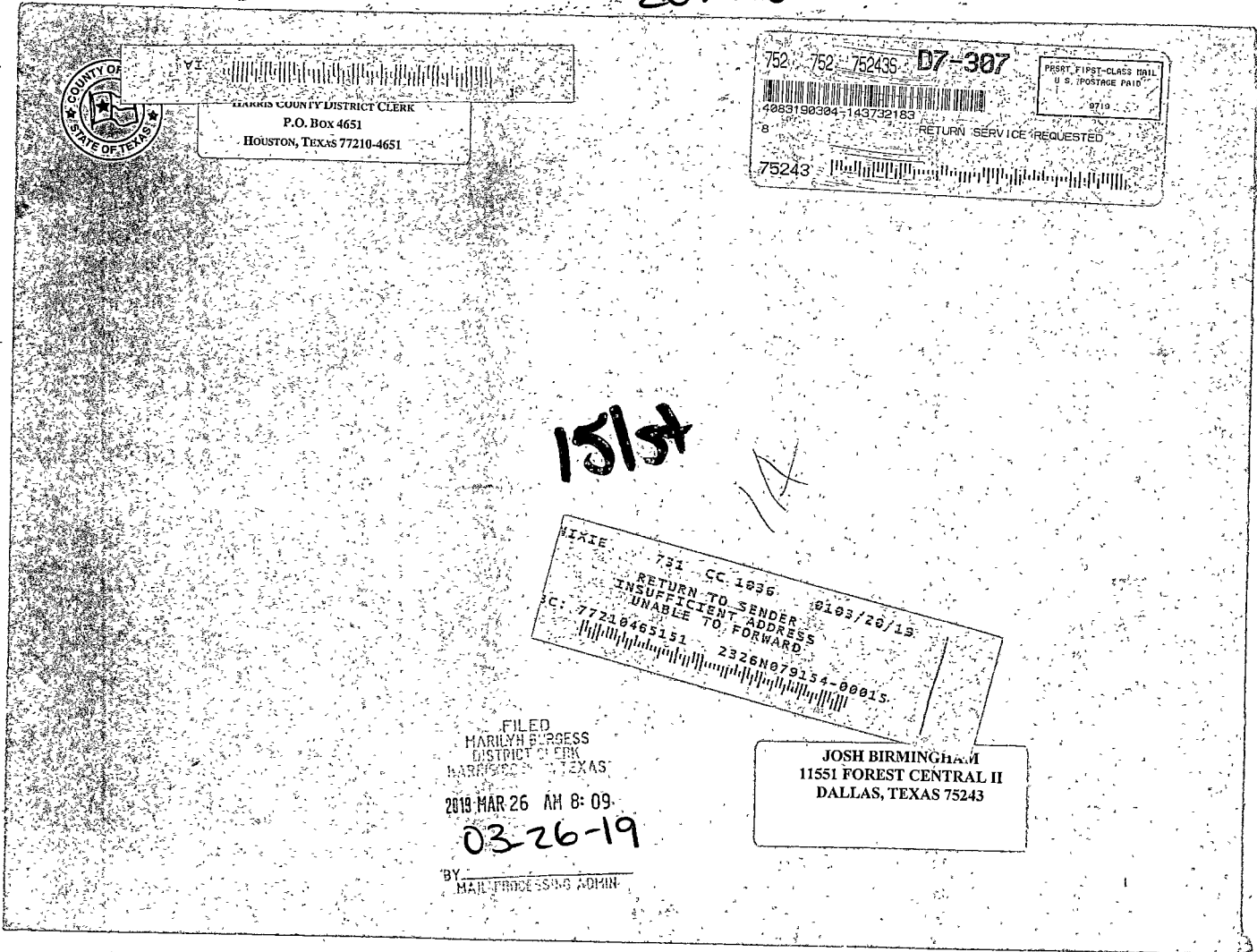
ATTORNEYS FOR PLAINTIFF

REQUEST FOR DISCLOSURE

Pursuant to TEX. R. CIV. P. 194, Plaintiff requests disclosure from each and every Defendant of those items contained in 194.2 (a)-(l). Upon service of citation, along with this Original Petition, Defendants are required to respond to these Requests for Disclosure within FIFTY (50) days hereafter.

P-10

2019-06499



**FILED**  
Marilyn Burgess  
District Clerk

MAR 26 2019

CAUSE NO. 201906499

Time:                       
By                       
0.00 Deputy

RECEIPT NO.

\*\*\*\*\*

TR # 73596732

PLAINTIFF: PASTOR, ABNER

vs.

DEFENDANT: GUARDIAN TRANSITION INC (D/B/A GF PROTECTION INC)  
(D/B/A GUARDIAN)In The 151st  
Judicial District Court  
of Harris County, Texas  
151ST DISTRICT COURT  
Houston, TX

## CITATION (NON-RESIDENT)

THE STATE OF TEXAS  
County of HarrisTO: KARAM INDUSTRIES  
D-95 VYAPAR MARG SECTOR 2  
NOIDA UTTAR PRADESH 201301  
OR WHEREVER IT MAY BE FOUNDAttached is a copy of PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSUREThis instrument was filed on the 28th day of January, 2019, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This citation was issued on 1st day of March, 2019, under my hand and seal of said Court.

*Marilyn Burgess*MARILYN BURGESS, District Clerk  
Harris County, Texas  
201 Caroline, Houston, Texas 77002  
(P.O. Box 4651, Houston, Texas 77210)Issued at request of:  
BIRMINGHAM, JOSH  
11551 FOREST CENTRAL II  
DALLAS, TX 75243  
Tel: (214) 987-0005  
Bar No.: 24059329

Generated By: MOMON, RHONDA HWP//11170273

STATE OF \_\_\_\_\_

OFFICER/AUTHORIZED PERSON RETURN

County of \_\_\_\_\_

PERSONALLY APPEARED before me, the undersigned authority, \_\_\_\_\_  
who being by me duly sworn, deposes and says that in the County of \_\_\_\_\_  
State of \_\_\_\_\_ he delivered to the within named defendants in person at the  
following times and places to wit:

NAME	DATE			TIME		PLACE
	MONTH	DAY	YEAR	HOOR	MIN	

a true copy of this notice, with a copy of:

accompanying same; and further, that he is an adult and is in no manner interested in this suit and is the person competent to make oath of the fact.

\_\_\_\_\_  
Affiant/Deputy

On this day, \_\_\_\_\_, known to me to be the person whose signature appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public



CAUSE NO. 201906499

RECEIPT NO.

0.00

MTA

\*\*\*\*\*

TR # 73596732

PLAINTIFF: PASTOR, ABNER

vs.

DEFENDANT: GUARDIAN TRANSITION INC (D/B/A GF PROTECTION INC)  
(D/B/A GUARDIAN)In The 151st  
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## CITATION (NON-RESIDENT)

THE STATE OF TEXAS  
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SWORN TO AND SUBSCRIBED BEFORE ME, on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public





2.02 Defendant GUARDIAN TRANSITION INC. D/B/D GUARDIAN FALL PROTECTION, D/B/A GF PROTECTION INC. is a Washington corporation with its principal place of business in Kent, Washington who may be served by serving its registered agent, National Registered Agents, Inc., 155 Federal St. Ste 700, Boston, MA 02110-1727.

2.03 K-STRONG is a Texas corporation with its principal place of business in Houston, Texas who may be served by serving its registered agent, Andy Lui at 17330 Preston Road #200 D, Dallas, Texas 75252.

2.04 KARAM INDUSTRIES, Sitanrganj, Uttarakhand (India) is a foreign corporation with its principle place of business in Sitanrganj, Uttarakhand, India. Said Defendant may be served at D-95, Secotr-2 NOIDA-201301 (U.P.) Delhi/NCR India. Said Defendant may be served in accordance with the Hague Convention. First, Plaintiff will ensure that Complaint and Summons are translated and then served through the Central Authority in India. Because it is anticipated that service may take greater than 1 year, Plaintiff hereby requests an extension of time to perfect service.

2.05 P.N. INTERNATIONAL is a foreign corporation with its principle place of business in D-95, Secotr-2 NOIDA-201301 (U.P.) Delhi/NCR India. Said Defendant may be served at D-95, Secotr-2 NOIDA-201301 (U.P.) Delhi/NCR India. Said Defendant may be served in accordance with the Hague Convention. First, Plaintiff will ensure that the Complaint and Summons are translated and then served through the Central Authority in India. Because it is anticipated that service may take greater than 1 year, Plaintiff hereby requests an extension of time to perfect service.

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3.01 The amount in controversy is within the jurisdictional limits of this Court.

3.02 Harris County is the proper venue for this action pursuant to the Texas Civil Practice and Remedies Code, Section 15.001, *et seq.*, because Harris County is the county where the Defendant has its principal place of business and/or all or part of the cause of action occurred in Harris County.

3.03 Pursuant to Rule 47(c) Plaintiff is seeks monetary relief over \$1,000,000.

**4.00 FACTS**

4.01 On or about March 12, 2017, Plaintiff was working on a construction site for in Hochatown, Oklahoma. Plaintiff was provided a Guardian Fall Protection safety harness system. Plaintiff put on the harness and tied off to the roof. While working on the roof Plaintiff slipped, and fell to the ground causing catastrophic bodily injury because the Guardian Fall Protection harness system and/or the components of the harness system failed. As a result of the safety harness failure, Plaintiff has undergone numerous surgeries and the damages set forth herein.

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- 2) Failing to properly design the fall protection harnesses;
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**6.00 STRICT LIABILITY: DESIGN, MANUFACTURING AND MARKETING DEFECT**

6.01 GUARDIAN FALL PROTECTION, K-STRONG, KARAM INDUSTRIES, AND P.N. INTERNATIONAL are liable under the strict products liability for a design defect for failing to adequately design the fall protection harness system with regard to the foreseeable uses/misuses of the equipment as well as using appropriate component materials and/or a manufacturing defect in either the components or the quality of the materials used in the component parts and/or a marketing defect for failing to adequately warn users. These defects, singularly and/or cumulatively were producing cause(s) of the incident in question and the injuries of Plaintiff.

**7.00. GROSS NEGLIGENCE**

7.01 Defendants' conduct, when viewed objectively from the standpoint of the Defendants at the time of the occurrence, involved an extreme degree of risk, considering the probability and magnitude of the potential harm to others. Moreover, Defendants had actual, subjective awareness of the risk involved, but nevertheless proceeded with conscious indifference to the rights, safety or welfare of the Plaintiff.

7.02 As a result of the grossly negligent conduct of the Defendants, Plaintiff suffered severe physical injuries and emotional distress.

**8.00 DAMAGES**

8.01 Plaintiff would show that as a direct and proximate result of the acts and/or omissions committed by Defendants, Plaintiff was caused to suffer serious and **permanent personal injuries**, which has caused Mr. Pastor in the past and will, in reasonable probability, cause Mr. Pastor in the future, physical pain, mental anguish, lost wages, loss of earning capacity, physical impairment, disfigurement, medical expenses, lifecare expenses and hospital expenses, for which Mr. Pastor should be compensated in accordance with the laws of the State of Texas. Therefore, Plaintiff seeks damages from Defendants, and, by reason of the injuries and damages set forth above. Plaintiff has been damaged far in excess of the minimum jurisdictional limits of this Court.

**9.00 JURY TRIAL**

9.01 Plaintiff respectfully requests a jury a trial in the above-entitled and numbered cause of action and will tender the required jury fee.

**10.00 PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully requests that Defendants be cited to appear and answer herein and that upon full and final hearing of this cause, Plaintiff has judgment of and from the Defendants as follows:

- 1) For all actual and punitive damages, both past and future, as prayed for herein, including punitive and/or exemplary damages.
- 2) For all of Plaintiffs' costs of court;
- 3) For pre-judgment interest at the highest legal rate and for the longest period of time allowed by law on all elements of damage claimed herein;
- 4) For post-judgment interest at the highest legal rate allowed by law on the amount of the

judgment entered by the Court from the date of judgment until collected;

- 5) For such other and further relief, both general and specific, at law or in equity, to which this Honorable Court should find Plaintiffs to be justly entitled.

Respectfully Submitted;

MILLER WEISBROD, LLP  
11551 Forest Central Drive  
Forest Central II, Suite 300  
P. O. Box 821329 (75382)  
Dallas, Texas 75243  
(214) 987-0005  
(214) 987-2545 (Facsimile)

By:   
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[Cmiller@millerweisbrod.com](mailto:Cmiller@millerweisbrod.com)  
JOSH BIRMINGHAM  
State Bar No. 24059329  
[jbirmingham@millerweisbrod.com](mailto:jbirmingham@millerweisbrod.com)

and

JOHN R. SALAZAR, P.C.  
JOHN R. SALAZAR  
SBN: 17527150  
[johnr@johnrsalazar.com](mailto:johnr@johnrsalazar.com)  
2201 Main St., Ste. 900  
Dallas, TX 75201  
Tel. 214-696-5292  
Fax. 214-698-5656

**ATTORNEYS FOR PLAINTIFF**

REQUEST FOR DISCLOSURE

Pursuant to TEX. R. CIV. P. 194, Plaintiff requests disclosure from each and every Defendant of those items contained in 194.2 (a)-(l). Upon service of citation, along with this Original Petition, Defendants are required to respond to these Requests for Disclosure within FIFTY (50) days hereafter.

**CAUSE NO.: 2019-06499**

<b>ABNER PASTOR,</b>	<b>§</b>	<b>IN THE DISTRICT COURT OF</b>
<b>Plaintiff,</b>	<b>§</b>	
	<b>§</b>	
<b>vs.</b>	<b>§</b>	
	<b>§</b>	
<b>GUARDIAN TRANSITION INC.,</b>	<b>§</b>	<b>HARRIS COUNTY</b>
<b>d/b/a GF PROTECTION INC.,</b>	<b>§</b>	
<b>d/b/a GUARDIAN FALL SAFETY, K-</b>	<b>§</b>	
<b>STRONG, KARAM INDUSTRIES and</b>	<b>§</b>	
<b>P.N. INTERNATIONAL</b>	<b>§</b>	
	<b>§</b>	
<b>Defendants.</b>	<b>§</b>	<b>151ST JUDICIAL DISTRICT</b>

---

**DEFENDANT GUARDIAN TRANSITION INC., d/b/a GF PROTECTION INC.,  
d/b/a GUARDIAN FALL SAFETY'S ORIGINAL ANSWER**

---

COMES NOW, Defendant Guardian Transition, Inc. d/b/a GF Protection Inc., d/b/a Guardian Fall Safety's (hereinafter referred to as "Defendant"), Defendant in the above styled and numbered cause, and file its Original Answer and Request for Disclosure to Plaintiff's Original Petition, and would respectfully show the Court as follows:

**I.  
GENERAL DENIAL**

Defendant generally denies the allegations contained in Plaintiff's Original Petition, and since they are allegations of fact, Plaintiff should be required to prove them by a preponderance of the evidence in accordance with the laws of the State of Texas.



**II.**  
**REQUEST FOR DISCLOSURE**

Defendants request Plaintiff provide the information identified in TEXAS RULE OF CIVIL PROCEDURE 194.2 within 30 days of this Request.

**III.**  
**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Defendant Guardian Transition, Inc. d/b/a GF Protection Inc., d/b/a Guardian Fall Safety prays that: (1) Defendant be dismissed from this case with prejudice; (2) Defendant recover its costs incurred hereby; and (3) Defendant recover all other and further relief, both general and special, at law and in equity, to which it is justly entitled.

Respectfully submitted,

**THOMPSON, COE, COUSINS & IRONS, L.L.P.**

By: /s/ David A. McFarland

David A. McFarland

State Bar No. 00791223

Heather H. Sauter

State Bar No. 24042118

Julie Christensen

State Bar No. 24105601

700 North Pearl Street, 25th Floor

Dallas, Texas 75201

Telephone: 214.871.8292

Facsimile: 214.871.8209

Email:

[dmcfarland@thompsoncoe.com](mailto:dmcfarland@thompsoncoe.com)

[hsauter@thompsoncoe.com](mailto:hsauter@thompsoncoe.com)

[jchristensen@thompsoncoe.com](mailto:jchristensen@thompsoncoe.com)

**ATTORNEYS FOR DEFENDANT  
GUARDIAN TRANSITION INC., d/b/a  
GF PROTECTION INC., d/b/a  
GUARDIAN FALL SAFETY**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 11th day of April, 2019, the above referenced document was served by electronic service to all known counsel of record.

MILLER WEISBROD, LLP  
CLAY MILLER  
JOSH BIRMINGHAM  
11551 Forest Central Drive  
Forest Central II, Suite 300  
P. O. Box 821329 (75382)  
Dallas, Texas 75243  
(214) 987-0005  
(214) 987-2545 (Facsimile)  
[cmiller@millerweisbrod.com](mailto:cmiller@millerweisbrod.com)  
[Jbirmingham@millerweisbrod.com](mailto:Jbirmingham@millerweisbrod.com)

And

JOHN R. SALAZAR, P.C.  
JOHN R. SALAZAR  
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Tel. 214-696-5292  
Fax. 214-698-5656  
[johnr@johnrsalazar.com](mailto:johnr@johnrsalazar.com)

**ATTORNEYS FOR PLAINTIFF**

/s/ David A. McFarland  
David A. McFarland